

MARYLAND GAZETTE.

THURSDAY, MAY 12, 1803.

A CIVIL OFFICER OF MARYLAND.—CONTINUED.

THESE observations will materially assist in elucidating the next clause of the section, which appears to be the great pivot, around which all the arguments to destroy the powers of the governor and confer them on the council, seem to turn as it were in a circle; but which a correct examination will prove to be equally clear, and consistent with every other part of the constitution. The words are, *that the governor for the time being shall preside in the council, and be entitled to vote on all questions in which the council shall be divided in opinion.* The governor being the agent, as we have already shewn, on whom all executive powers are conferred by every part of the constitution; and the business the council are to transact; being to deliberate and decide on their advice and consent to such executive acts of the governor as require their concurrence by the laws of this state; by the express and uniform words of every clause of the same instrument, which authorises them to do any act at all, except in the two trifling instances frequently mentioned; It naturally follows, that when they are convened to deliberate on that advice and consent, the governor should be present to confer with them, not only to explain his own motives of action, but hear the motives of such advice as they may suggest in discussion. Public decorum would certainly require that the chief magistrate should preside when officially present; but the Friend to Candour can see no benefit that can result from this personal conference, and that consequent deliberation and discussion, so necessary to produce a concurrent act. Are not these the means which all deliberative bodies are frequently obliged to resort to, when their concurrence is necessary to form an act? Is it not in its nature still more essential in executive proceedings, where system, secrecy and promptitude, are the characteristic features? It was for the benefits to be derived from this conference, and to explain the motives of advice, that the governor of Maryland ever had presided in the council, when convened on executive business. It is the common law and custom of England, and probably of every civilized country in the world, where there is a chief executive magistrate, and a council to advise him. Although it may not appear from the journals whether he ever voted to decide the opinion of council before the revolution, and although it is almost certain he did not, as it was naturally and generally improper for him to advise himself, yet the reason is evident, when we reflect that it was unnecessary, as the council held their seats at his pleasure, and he could, if they ultimately disagreed, appoint such as would concur with him. And it will be seen that the governor, if he chose to take the responsibility on himself, never considered the advice and consent of council as legally necessary to the validity of an executive act. Perhaps it was really not so before the constitution; but the convention having rendered the council independent on the governor, and their concurrence being made necessary to enable him to act on the most important executive business, natural reason, it should seem, dictated the propriety, that where the council were equally divided, the judgment of the governor should decide, and that he should vote, in order that the decision should be entered on the journal as that advice and consent, without which he could not possibly act. For these plain and evident reasons the convention have directed, that in this only case the governor shall vote; and doubtless it is the only case he could vote, consistently with the whole theory and language of the constitution. But the Friend to Candour observes, unless he acts as a member, it is not the advice of council; we shall not vulgarize our language by calling this play upon words, a quibble. But this writer is certainly the first pupil of the school of reason that ever gravely contended, that those who had authority to lay down a general rule could not make a special one; or, that having admitted the general principle, the convention could not provide for an exception, so reasonable and necessary as this must appear to be.

But the question now occurs, how can the governor's presiding, or voting on such special cases; (and if all the council attend to their duty, as the convention must have contemplated, or any number except four, he never can vote,) destroy the power expressly vested in him of acting, or exercising all executive powers of government, either with or without the concurrence of council? How can that deprive him of the use of his deliberate reason and judgment as governor, the officer who is the express agent in every executive act? How can it enable the council to act? This is not only by implication to destroy the express powers of the governor, but by implication also to give them to the council. Can they view the governor in the light of a political puppet, who may be led to council as an ass goes to market, where his masters ease him of his load, and turn him aside to browse on thistles and thorns? He exists, they admit, as an integral officer, to issue death warrants, &c. but all his other powers become common property, over which he has no control, unless they should disagree in the division of the spoil. The Indian, who with his murderous tomahawk has cleft the skull of his adversary, vainly imagines that he inherits all his faculties and powers. But surely the council cannot believe, that if the governor is deposed, his powers to act are to remain with them; for when he ceases to exist as constitutional governor, their president must immediately call the assembly to supply his place. See, 31. The convention would not admit the idea of any but a constitutional governor continuing, even for a short time, to exercise the powers attached to the chief magistrate; perhaps it has been the dread of this provision that led, to the invention of a convenient half-alive state for him, to legalize under his name their own acts; as the mayors of the palace formerly preferred the pageants of the second race of France.

It is admitted, it is certain, the governor could derive no authority merely as president, (if he had been declared so,) from his being governor; but vice versa, the converse must hold good, and he could lose no authority as governor by being made president. By an act passed in March, 1774, governor Eden, and the governor for the time being, is created president of the board of trustees of Charlotte-Hall school; this act has been amended by several acts since the revolution, and the trustees may now transact business without the presence of their president, who remains the governor for the time being. No one could imagine that the go-

vernor gained any authority as president by being governor, or that he lost any as governor by being made a president; the idea is too absurd. No one, it is presumed, will contend, that if the power had not been conferred on the governor of presiding in council, and voting on those special cases, that his full and integral powers as governor, derived from the constitution and laws would not have remained entire. It is then asked, can additional powers conferred on an officer destroy those already possessed? Can express powers be destroyed by implication? that the power of presiding, and voting in a particular case, should destroy by implication or merge the power of acting as governor, which is granted generally in every case, is contrary to every principle of reason hitherto received among mankind. The doctrine of merger in law is rarely applied, and can only apply, where the possessor of an inferior or imperfect title gains a superior and perfect title, the less or worse may be merged in the greater or better title, but that the governor, by gaining a trifling power, which may possibly never be exercised, and which cannot possibly be exercised, where all the constitutional functionaries are attending their duty, should lose the high and important powers he had ever possessed and had been constitutionally confirmed, is contrary to all natural and legal reason. But it seems admitted that it does not destroy those powers which by the constitution he is to exercise solely; with respect to them he still remains, it seems, an integral governor. And why should it destroy those which he is to exercise with the concurrence of council? Are they inconsistent? are not his integral powers necessary to fulfil the constitution in these cases? if he has no independent power as governor, but must act solely as an occasional member of the board, can it be a concurrent act when he does not vote at all? Can it be a concurrent act even when he may happen to vote? Is it not then a joint act, which is the reverse of concurrent, the constitutional term? This, it should seem, must be conclusive as to legal construction. But as the necessity is admitted of his remaining at all times an integral governor in the exercise of his sole powers, we may inquire into the propriety of his preserving and using those intellectual faculties which qualified him for the discharge of the one when he comes to discharge the other. If they are so important as to require that the judgment of the governor should be assisted by the advice of others, it certainly is more necessary for him to exert the energies of his mind also; and is it possible that the convention, when they directed him to take the advice and consent of others before he performed those duties, meant that he should relinquish all his powers of rationality with respect to them, unless his advisers, by possibility, should happen to divide. As the convention could not possibly intend this, so they never could foresee such a construction. A governor ever had presided over the executive council in Maryland before, without any such effect being produced. The name of president could not alter the legal effect; for we see the president of the United States uses his deliberate judgment, even where assisted by the advice and consent of the senate. But it seems that the convention could only have had in view their own president, or the speaker of the house or other deliberative body, and by directing him to preside in council, they intended to destroy, by implication, the express power they had already vested in him—on those subjects at least where the concurrence of the council is required. This is the amount of the reasoning of the Friend to Candour. But what analogy could he discover between the governor, a chief magistrate, whose official duties had existed from the first settlement of Maryland, had been recognized and rendered constitutional powers by the convention, who vests in him all executive power with or without the advice of council, and a president or speaker, officers elected in the same manner as the other members of the body over whom they preside, at the same time, and to discharge the same duties; who are separated from their associates only by an election among themselves, and who remain always *primi inter pares*. Had the convention known a president or speaker, had they created these officers, with powers, by and with the advice and consent of the senate and house of delegates, to pass laws—then there might be some analogy in the cases, but it would still have been a flight one. But having now proceeded so far, we are obliged to conclude our observations on this clause by a painful remark, that the Friend to Candour has been fabricating again. Let him examine this section better, and he will find it to be directly the reverse of what he flates it to be. The governor of Maryland never had been, nor is he now, president of the council; there ever has been since the year 1716 another president of the council known to the law; and so far is it from being true, that the governor and council are by this section constituted into one board for the transaction of any business, much less all other executive business, that the language of the section has most cautiously and directly guarded against any such inference, or confounding the powers of the governor and council together. First, the members of the council, (not the governor and council,) or any three or more, shall constitute a board. The governor is not named, and the board is constituted without him. Then follows, the governor for the time being shall preside in council, and shall vote when the council are divided; but when the first named of the council presides in his absence, and votes as governor, (and he must qualify as such, as we shall see, to enable him to do so,) it is expressed, he shall vote in all cases where the other members disagree. Here then we find that the governor is neither president nor member of council, nor member of the board, by this article, he is to preside in council, and vote in a specified case, but he remains governor still, with all his powers vested in him by the other parts of the constitution, and after the advice and consent of council has been decided, the business of the board ends; then it remains with his deliberate judgment to determine, whether he will concur therewith before he finally acts. The language of the constitution is express, the governor, with the advice and consent of council, may appoint officers; may embody the militia; call the assembly, &c. &c.

This leads to the last clause of this section which will be found equally perplexing with every other part of the constitution. The words are—“and in absence of the governor, the first named of the council, shall preside, (not the first named of those who may happen to be convened or present, at any particular time, as has been strangely construed,)

and as such shall vote in all cases where the other members disagree in their opinion.” All therefore that now remains in examining this article, is to ascertain what is the constitutional or legal absence of the governor. This we shall find can only be the absence defined, and established by sect. 32, the death, resignation, or removal out of this state, of the governor; and possibly the case of extreme sickness and inability to perform the duties, under the law of 1716. This law, it must be observed, is a perpetual law—it has always been acted under, was in force in 1774, and being no wife inconsistent with, or repealed by, the constitution, may be, and by the best opinion the Civil Officer can form, is still in force. When therefore the first named of the council presides and votes, it must be as governor—the words in the clause, *as such*, cannot be construed so as to make either grammar or sense in any other manner; for he is in no part of the section called president—the words are *shall preside*—the words therefore, *as such*, cannot refer to a verb; there is no substantive in the preceding part of the sentence to which they can either grammatically or intelligibly refer, but the governor. By referring to sect. 32, we find the cases there enumerated when the first named of the council shall act as governor, and qualify in the same manner, and shall immediately call a meeting of the general assembly, giving not less than 14 days notice, at which meeting a governor shall be appointed for the residue of the year. The first named of the council then can only act as governor by the constitution in the cases here specified; and to do this he must qualify as such. This section therefore, 32, renders this clause of 31 absolutely necessary, to authorize the first named, acting as governor and qualified as such, to preside in council, and as such to vote where the other members disagree, and that there may be a governor or a qualified officer for the board to advise; and the words vote as such, i. e. vote as governor, fixes, by necessary reference, that absence of the governor, and qualification of the first named of the council, which are here meant and understood by the convention.—And the meaning and effect of the clause will not be varied if the law of 1716 is in force, for that law has always been construed, understood and practised under, as requiring the president to qualify as governor; thus it appears, from the journal of executive proceedings, “that on the 3d May, 1752, governor Ogle died—on the next day, it is thus entered, his excellency Samuel Ogle, late governor of this province, being dead, and the honorable Benjamin Tasker taking his place as president; the several oaths of government appointed to be taken by act of assembly of this province, and also the usual oaths taken by the governors of this province at the times of their qualifications, (changing only what is necessary to be changed,) and also the following oath, were administered to the said Benjamin Tasker, &c. any other interpretation, was it consistent with grammatical construction, would involve the greatest of possible absurdities; that is, although the first named of the council, on the death, removal or resignation, of the governor, cannot act without qualifying, and must immediately call the assembly; yet by meeting in the absence of the governor, he may go on through the whole year, exercising the duties of governor without qualifying or calling the assembly. He, and two of the council, or indeed any three or more, may meet under the present construction, and if when thus convened, they constitute a board to transact any business not confided to the governor alone, they may meet at any other place as well as at the seat of government, or where the governor resides; of course they may transact the business without his possible knowledge—they may meet at the seat of government at their own lodgings, and lastly, they may meet in the council chamber, without apprizing him, as they frequently have done, and transact the executive business without the governor, and without the qualification of the first named of the council; and the governor is as effectually excluded from all participation in the duties of the office, not only for the residue, but for the whole year, and every year, as if dead, resigned or removed; notwithstanding the constitution has so effectually guarded against the exercise of the duties of this officer by any other than a governor, and qualified as such, permitting only to the first named of the council, qualified as governor, to act during the time requisite, to call the assembly.

It has not hitherto been examined in what particular mode the governor is to act when he presides in council; that depends on the forms heretofore practised, and the constitutional provisions; we have only hitherto contended, that whether the governor has the right he always had exercised prior to the convention of proposing, or whether the council may originate, or whether the governor shall both originate and also deliberate after their advice and consent, agreeably to the determination of the supreme court of the United States; the theory and construction of our constitution require, that he shall exercise the faculties of a rational being in discharge of all the duties assigned to him, instead of holding an intermediate, semi-vital existence, between the inanimate pen he guides, and the animals who guide him, if the expression can be used with propriety where no personal offence is intended.

To the foregoing observations on the principles and construction of the constitution, it remains to add some remarks on the style and language that has been used in our laws, subsequent to the revolution: These frequently prescribe duties to be performed by the governor and council, instead of the constitutional formulary, by the governor, with the advice and consent of council. This is neither essential to the question relative to the Susquehanna commissioners, (for in these the language of the constitution was observed,) nor to the general construction of the constitution itself—but the object of this address is, to offer information and reflections to assist the public mind in deciding on an important constitutional question, and not to carry a particular point. We therefore have taken occasion to observe, that this loose language in our ordinary legislation cannot possibly create any change in the constitution; whenever the governor and council are named, they are named as constitutional organs, and when they are to act, they can only act in the manner prescribed by that instrument. This principle is admitted by all; for otherwise the governor and council must act jointly, and the governor vote on all occasions as another member: If they act as constitutional governor and council, they must act concurrently, with the

special proviso, that if the council are divided, the governor may decide their concurrence himself. The legislature can confer no powers on the governor and council to be executed jointly; they might name the governor by his name, and the councilors individually, and then like other individuals, they would become joint commissioners; but they must then act independently of their constitutional authority.

We have remarked the great caution and care observed in the language of the constitution to avoid any inference that the governor and council are constituted into one board, and to prevent his powers from being confounded with those of the council, when he presides over that body—a separation, without which, the object and nature of a concurrent act of the governor and council could not possibly be maintained and preserved. He presides to be advised, and when constitutionally and legally absent, the first named of the council, qualified as governor, presides for the same purpose, and with the same authority, but his style is *president of the council*. The board of council having decided on their advice and consent, either by a majority of their own votes, or in case of division, the governor, by special authority in that case, having decided, it becomes then that constitutional advice and consent—that concurrence, which the constitution and laws have prescribed in specified cases, as an indispensable requisite, to enable the governor to act, and without which duty obtained, there is no doubt but that the act of the governor, in any of those cases, would be unconstitutional, illegal and invalid. But still that advice and consent can only be one part of an executive act in these cases; it still remains for the governor to concur and execute; for if it has ever been one of those few cases in which he could vote—so far as he voted with the council he acted jointly, he has not even then concurred as governor; and if it is one of those cases on which there was no division; and a governor may serve his term out without a division; and there never can be a division, if the constitutional number of members attend their duty; so far from concurring as governor, unless it was on his own nomination or proposal, he has not acted at all: His power and duty laid down generally by the constitution remain still to be executed, which are express, that the governor, (with the advice and consent of the council,) shall appoint officers—embody the militia, &c. &c. &c. This returns us again to the constitutional and legal meaning of advice and consent, which we have already, and we hope satisfactorily, discussed.

So far we have proceeded in explaining what we consider as the substance of the constitution, and it now remains to speak of those forms that are essential for the preserving and carrying that substance into effect. On the threshold of this inquiry, we have immediately opened to our view, how these misapprehensions have first arisen—how all these abuses have crept in—and how some able and honest men have gradually been led into a difference of opinion, and to imbibed prejudices that it is difficult to eradicate. Still we hope and believe that what we shall now say on this subject, must prove entirely satisfactory to every honest and intelligent man, however deep rooted his prejudices may have been.

We must premise, that the strongest mind that has ever applied its powers to the science of government, has never yet attempted to define by analysis, what are strictly legislative, executive and judiciary powers; separating by lines the departments distinctly from each other: the reasoning faculty seems to recoil from the tension necessary to divide them, by the application of first principles to that infinite mass and endless variety of human action, which reflection suggests and history teaches. This indeed is the great desideratum in politics; which, like longitude in navigation, when once discovered and settled, will enable those at the helm to steer clear of most of the rocks and quicksands on which the best hopes of mankind have been hitherto lost. Even those enlightened statesmen who have devised constitutions or systems of organic laws, have been forced to content themselves with some general and vague outlines; for all attempts hitherto to trace, by detail, have only ended in perplexity and confusion.

Strictly speaking, there are but two distinct branches of government, the legislative and executive; founded on the compound nature of man, who is a thinking as well as an acting being; but who has no other distinct quality to serve as the basis of that intermediate power, termed the Judiciary, which has therefore been generally considered as more properly a branch of the executive—but those powers can no more be entirely separated in government, than the qualities on which they are founded can be in the individual man; every act of government, therefore, whether termed legislative, executive or judiciary, consists necessarily of two parts, the legislative or deliberative, and the other executive or ministerial, and it can only be properly referred to the one or the other department, as the duties of deliberating or acting preponderate: we believe that the Creator never intended man, in any situation, to become a machine, and we believe and hope, that his omnipotence has secured his intentions from being violated. Man must and will think, and in some measure use his reasoning faculties in judging for himself, even when compelled to act by the iron hand of power, and in spite of the guillotine, the wheel, or the bed of Procrustes.

When the convention of Maryland, therefore declared that the governor should alone direct the land and naval forces, and alone grant pardons and reprieves for any crime, &c. they unquestionably intended and expected, that he should be a man capable of deliberation; and that he should deliberate before he acted. When it declared that he should, (with the advice and consent of council,) appoint officers, embody the militia, &c. it must have also intended, that he should not only deliberate himself, but consult and deliberate with others, and take the advice and consent of those who the constitution declared should be the council to the governor for these special purposes. If their concurrence in such cases cannot be obtained, his own deliberate judgment will not authorize him to act; but if it is obtained, then remains that executive power with which the council have nothing to do—he is then to act, and is still the sole executive agent, for such the constitution, by its express words, constitutes him in every act, whether to be performed with or without the advice and consent of council.

In pursuing and establishing these principles, we must repeat, that the council are expressly constituted a board of themselves. To preserve the system, secrecy and promptitude, of the executive character, the governor presides to be advised, and confers personally, in order to deliberate and discuss the special measures submitted by the constitution for their concurrence; but to render the advice and consent of the board a separate and distinct act, which is essential to the nature of a concurrent act, (a word of the constitution which the Friend to Candour cautiously avoids explaining or commenting on,) the governor is not allowed to interfere, unless they cannot agree, then, and then only, he decides by a vote that which is constitutionally intended as an act of the council, and for the evident reasons already enlarged on.

But here the doubts of gentlemen arise—that as his voting on such possible occasion necessarily implies that he shall vote on none other, whether his powers in such cases are not delegated altogether, and whether he does not become only the ministerial agent of the council on those occasions, bound by their advice and consent to act as they direct; it

appearing to them not the probable intention of the convention on any possible case, and that he should vote, and afterwards separately act, on the same case. It is unnecessary here to repeat, that the destruction of the general powers of the governor by implication, and that too founded on a possible case that might never happen, cannot certainly bear legal scrutiny; or that the act of the council cannot possibly amount to more than advice and consent by the constitution. But the fact is probable, and certainly has been hitherto believed by the Civil Officer, that the convention never expected that he would have to deliberate again after voting. Had the language of the constitution, and those forms corresponding therewith, and established by long experience, been known, observed and preserved, no doubt ever could have arisen, no question on the subject could ever have occurred.

The history of law has long since established that forms are essential to the preservation of substance in government: hence it is that the *Lex Parliamentaria* has been received as part of the common law of the land. The forms of executive proceedings have not been so much exposed to public view; unfortunately, those records of Maryland remained at the revolution in the hands of the officers of the old government, and were not delivered over, (as it is understood,) until sometime in the administration of governor Lee.

The convention well knew that the right of originating and proposing ever had been vested in the governor; some of them had been councilors, and several of them, no doubt, were well acquainted with the forms—they knew that the acts of the council were in the form of advice and consent, to what was considered as the proposal of the chief magistrate. Hence it is that the terms the council to the governor—the advice and consent of the council—and the concurrence of the council, are the express language used by the convention—all of which terms are alone predicated on a supposed precedent act of the governor, on which the council are called to give, or not to give, at their discretion, their advice and consent, and without which he cannot act on his own judgment: on any other principle they are neither sense nor grammar. To admit a member to propose or give advice when not asked, destroys that unity of design so essential to executive proceedings—it destroys promptitude, by suggesting various plans—gentlemen will become attached to their own, it is not likely they will agree with the governor until the moment of action is lost, to seize which is the great characteristic of a wisely constituted executive power; and finally, as a governor of Virginia of great experience and sound judgment observed, more than twenty years ago, it would eventually reduce the governor to a cypher, even admitting his right, which was never then questioned, of rejecting that advice, and refusing to act by it. In fact, it would destroy the constitution, and therefore the convention have wisely guarded against it, by the expressions and terms they have used, and by continuing the governor the sole executive agent.

We have already observed, that when a power is conferred to do an act, the grant necessarily includes all the means, without which that act cannot be effected. If the governor is directed to do an act with the advice and consent of others, the responsibility, in the first instance, necessarily attaches on him; he must shew that he proposed to do the thing; and he must also shew distinctly, how and what it was he proposed to do, in order to justify himself, if the thing has not been done at all, or improperly done; and, in order to fix the responsibility on others, who have unreasonably withheld their advice and consent.

This is the rational theory of the constitution, founded on all preceding practice; but the constitutional point may be at once reduced to this: proposal or nomination is either an incidental power to the principal power of appointing or performing any other executive act, or a separate power; if incidental, it is vested in the governor, on whom the principal power is conferred; if separate, it is to be exercised by him alone, as one of all other the executive powers conferred on him alone, where the concurrence of council is not required by the laws of the state.—See 33.

This sole right of proposal existing in the governor under the laws of 1774, as will appear from all the executive records prior to the convention, and not repealed by that body, but confirmed by a general grant, and indicated by every other expression of the instrument, is and must be the constitution of Maryland at this day. This right at once solves all the difficulties raised by the Friend to Candour and the council, and will explain every objection that can be raised, or seeming inconsistency that can be discovered, by the ingenuity of man; the contradiction therefore of the Civil Officer bears this indelible characteristic of truth, that it will suit every case that can occur, or can be imagined; which the Almighty has beneficently denied to the fabrications of deception and art, however consummate.

Prior to an examination of the decision of the supreme court of the United States, it had been the opinion of the Civil Officer, that when the governor had proposed, and the council had given their advice and consent, there was then completed that concurrence required by the constitution, and that there remained no other discretion with the governor than what naturally attaches to every ministerial duty; he still believes that such was the idea of the convention, founded on former precedents; for it could rarely occur that a governor would have occasion to change his opinion where the council had thus concurred with his own proposal—but the opinion of the court, that the act of the executive officer is only complete when he has done the last act required of him by the constitution, which in making an appointment is the signature of the commission, must have conclusive weight: for if the governor, or other chief magistrate, on hearing the reasons of his constitutional advisers for refusing their consent, shall be satisfied that his proposal was wrong; he ought, and it will be absolutely necessary for him, to alter his proposal; it therefore seems equally proper, that if deliberation should have suggested considerations to himself that produce a change of opinion, he should be at liberty to alter his proposition, or finally refuse to execute it, when it had become contrary to his judgment; although his constitutional advisers had actually concurred with his first proposal: this was precisely the case of the British treaty negotiated by president Washington, and proposed to the senate, and which he afterwards hesitated so long to ratify, although advised and consented to by the senate.

Doubtless there have been wise and honest men who have held the opinion and acted under it, that the council being authorized to give advice were not limited to the proposal of the governor, and they have argued that advice and consent should be construed advice erroneous, the conjunctive and being frequently construed as a disjunctive; they have not sufficiently reflected that this is never done but in order to make sense of a clause, whereas this is sense without; and they have certainly not sufficiently examined the former laws and custom in this respect, on which the constitution was founded; the whole theory, expressions and language of the constitution throughout, and such observations as have been offered by the Civil Officer, together with the embarrassments that would necessarily occur in the execution—but still it would only render the construction of the supreme court, which establishes a deliberative right in the chief magistrate, after the advice and consent, more evidently

and conclusively necessary, in order to secure that concurrence which the constitution of Maryland contemplates and requires. More than 20 years ago this independent right of proposal in the council was agitated in Virginia, at which time it is understood that the present governor of Maryland made up his mind fully, from the best information and reflection he could gain or bestow, and he has never varied from this opinion. When elected into his present office, and the usual manner of conducting executive business was first made known to him, he expressed his amazement, and as soon as all the members of the council could be assembled, he took occasion fully to explain himself.—That he had accepted of the office under the constitution of Maryland, which he had solemnly sworn to support; that the form of doing business in council, which he was then for the first time apprised of, although fifteen years had elapsed since he was first elected into the Maryland legislature, was expressly contrary to the undoubted sense and clear language of the constitution, and that he would execute the constitution as he had sworn to it, or not at all. He then prepared a form at the table, predicated on the constitution itself, and conformable to the principles laid down by the Civil Officer, who, as evidence, now offers the following extract from the proceedings of the board, on the 14th November, 1801, the first day the whole board assembled.—“The governor submits to the council of the governor a letter, &c. &c. Whereupon the council to the governor do advise his excellency to notify, &c. &c.”

This form, was adopted, having been assented to by every member present. Although the governor, as we are informed, had never then seen the forms of proceedings in council previous to the constitution, yet, on examination, that which he prepared will be found to correspond perfectly with all the precedents which the convention could have contemplated as in use before by the same functionaries, acting under the same formularies of executive power.

This extract must prove, that the present governor, accepted the office, and has since been actuated by one uniform principle and conviction of mind, consequently that his conduct on the Susquehanna appointment originated from the solemn impressions of constitutional duty, and religious obligation, and not from any personal motives arising from a particular occasion, as has been basely suggested. If he subsequently submitted to the irregularities of a council from a strong anxiety to avoid a rupture that might be injurious to the state, and painful to himself, he did it in cases where his conscience was not grossly violated with regard to individuals, and where his own constitutional powers enabled him to confirm their acts. Let the council, or the Friend to Candour, explain and justify their principles and consistency.

With these remarks we shall now conclude our general observations on the constitution, (reserving ourselves in our next for the illustrations and facts of the Friend to Candour,) by stating that as the constitution protects the powers of the governor, and secures to him the exercise of his deliberate concurrence in those acts which require the advice and consent of council; we hope that the present governor not only understands his duty, but will have energy enough to execute it; and that he will not be deterred from refusing his signature to any commission which his conscience disapproves, by the menaces of a civil suit; and the council, it is presumed, will take good care that they do not subject themselves to uncivil suits, by way of criminal prosecutions, by their usurpations of power and violations of the constitution.

A CIVIL OFFICER OF MARYLAND.
(To be continued.)

BOSTON, May 2.
RUMOUR,

With her hundred tongues has been very loquacious, for a few days past on the subject of a war in Europe.

On Saturday, the announced in the Centinel, that war had been declared. This important news was brought by the arrival of the ship Volunteer, captain Bosworth, at Portsmouth from Liverpool, who reported, that “on the 23d March, in the river, he was boarded by a lieutenant of a man of war, who informed him that the declaration of war against France had that day been received in Liverpool from the admiralty.”

This intelligence, from the previous accounts of hostile preparations, created belief, and had a considerable influence on our markets, while it lasted; but on Saturday noon the Diana, capt. Wilson arrived at this port from Liverpool, which place he left 4 or 5 days after the Volunteer, and brings a contradiction of the intelligence of capt. Bosworth, that war had been actually declared.

The verbal information of captain Wilson, and letters received by him to the 27th March, states that public opinion seems to be divided, as to the event of measures adopted by the British administration; and while some are induced to believe that war is actually determined on, others are of opinion, that the arrangements will ultimately result in effecting a punctilious compliance with the articles of the treaty between the two nations, which have hitherto been delayed and left open for alterations. All intelligence, however, that has been received here from France and England indicate symptoms of actual hostility.

NEW-YORK, May 3.

We lay before the readers of the Mercantile Advertiser this morning later European intelligence than has been before received in America.

The ship Cotton Planter, Jefferies, arrived last evening within the Hook, in 37 days from Liverpool. She left Liverpool on the 26th March, and the captain has obligingly favoured us with the only paper he brought—the London Courier of the 23d.

The extracts which follow, comprise every article it contains of a political nature in which the public can have any interest:—

LONDON, March 23.

Downing-street, March 22.

By dispatches received this morning from the earl of Elgin, his majesty's ambassador extraordinary at Constantinople, dated January 15, 1803, it appears that the differences which had subsisted between the Sublime Porte and the Beys of Egypt, have been satisfactorily arranged through the mediation of his majesty's ambassador.

(Lun. Obs.)

Our preparations have produced the effect of stopping the sailing of the Louisiana expedition, and of the Dutch Squadron, under vice-admiral Hartlinck. On Friday last, a courier arrived at the French ambassadors at the Hague, with orders that the squadron for Louisiana should remain in port, and that the troops should be cantoned at Helvoet till farther orders. The expedition was to have failed to-day.

Vice-admiral Hartlinck's Squadron was to have sailed at the same time for the Mediterranean to relieve admiral De Winter. But the Dutch government wish to wait the issue of the negotiations between this country and France.

The Dutch funds continue falling. Admiral lord Gardner arrived at Portsmouth yesterday, and is to hoist his flag to-day on board the Neptune.

Admiral lord Keith is very actively employed at Plymouth in superintending the fitting out of the ships. A great number of prize seamen have entered within these few days.

It has been rumoured that in consequence of the first consul's behaviour to lord Whitworth, at the audience on Sunday last, his lordship has intimated to the minister for foreign affairs that he shall not attend the consular levees, without a proper explanation of the events of that day. His lordship acts with proper spirit. An insult to our ambassador is an insult to the British nation, and an ample apology ought to be demanded for it.

A cabinet council sat several hours yesterday upon the dispatches received from France.

By letters from Frankfurt of the 10th of March, we are informed, says the Paris papers, which we received yesterday, that the English merchants in Germany discover the utmost jealousy and uneasiness in regard to the endeavours of the French to revive their trade with that country. They view with indignation the new trading establishments in different ports. They blame France for the care with which Spain now endeavours to protect her manufactures, by prohibiting the exportation of Spanish wool. They see, with all the feelings of malicious envy, the vigorous measures taken on the Scheldt and Rhine to prevent the importation of English manufactures; the encouragement given to those who attempt a smuggling trade into England, and that declaration of Cherbourg to be a free port for liquors and brandy, which is likely to produce a large exportation of these articles to the opposite coasts of England and Ireland. The establishment, too, of chambers, and of a general council of commerce in France, has given much food for English envy. They are still in alarm in regard to colonel Sebastiani; and they talk of the cession of the port of Tetuan and of the fortifications of Tournhout, at the mouth of the Scheldt, to France. They will suppose, that a squadron of two ships of war, and several transports, has failed to take possession of Macao, ceded by France to Portugal.

There is said to be now a very frequent correspondence between Berlin and Paris, relating to an approaching interview between the king of Prussia and the first consul, when the latter visits Belgium.

We extract the following articles from a Rotterdam paper of the 19th instant.

"The grand question of peace or war is suspended on the will of Buonaparte. There is no absolute hostility pre-determined by the English ministry; the limits of concession, on their part, are chalked out; and as France may approach that point without injury to her safety or her honour, it is hoped she will weigh the consequences, and suffer the scale to preponderate on the side of humanity, and of regard for the dearest interests of this country, which are immediately at stake, thus convincing us of the importance of her amity."

When the dates of the affair at the Cape of Good Hope are examined, it would appear that the present preparations for war have not been too precipitate. From the time the dispatches were sent out to forbid the surrender, we may reckon on five months difference with the French government about something or other, independent of Malta, which appears a more recent cause of dispute.

Great exertions are made at Vienna, to improve the commercial state of the town and port of Trieste.

It is to be referred to the diet of the empire to provide to Bavaria an indemnity for Eichstadt.

The duke of Modena refuses to relinquish his former rights, till the countries of Ortenau and Briegau, shall be without diminution, put into his civil and military possession.

Like master, like man. Talleyrand as well as his sovereign, can be insolent to the ministers of those states degraded by their French connexion, or weakened by French intrigues; but he was far from approving of the violence offered towards the representative of the king of the first nation upon earth; he, therefore, with all humility, entreated his master to make it up. His maxim is, that until France has a navy equal to that of Britain, the chief consul must sink his pretensions to be the modern Alexander, and content himself, with respect to England, to act a la Philippe. His advice, however, was so ill received, that he gave in his resignation, and for 24 hours rumour appointed him different successors, such as Seignen, Otto, Calliard, &c. but while the public were thus busy, Buonaparte invited Talleyrand to dine with him in private, and after some explanation, returned him his ministerial post-feuille, and he is, at present, again the first favourite of the first consul.

PARIS, March 11.

It is feared that the frigate Fraternite, bound from St. Domingo to France, has foundered at sea.

They write from Toulon, that the frigates Rhine and Corneille were in readiness to cruise before Algiers, to prevent the pirates of that people from injuring commerce. The frigate Minion is preparing for the same destination. We are informed that the dey has given two months to the agent of the republic to leave his territories. We are ignorant of the motives of this insult.

They write from Brest, that on the 6th instant, the expedition for India failed with a favourable wind.

March 13.

The decree of the 9th, which prohibits the exportation of money, is extended to all articles of gold and silver.

The ship Dame Anne, bound from Bourdeaux to Louisiana, with 17 passengers, has been forced by a storm to return to port to repair her damages.

PHILADELPHIA, May 5.

A considerable ferment was excited in the commercial world yesterday, by the arrival of an express announcing the actual declaration of war between England and France. The mail of this morning, however, has dissipated the illusion. There is now no doubt, but that the express was the stratagem of some speculative adventurer. By the accounts of this day it appears that as late as the 26th of March, nothing determinate, as to peace or war, had transpired in London. Warlike preparations continued throughout England. Couriers upon couriers were interchanged between the courts of London and Paris; but the aspect of their contents remained a profound mystery to the public. It is more than probable that this indelicate state of things will continue for some time longer. What may be the issue it is hazardous to conjecture.

May 6.

On a perusal of our papers received yesterday by the mail, we do not find there is any arrivals, by which accounts, later than the 23d of March, could be received from England; we have therefore, good reason to believe the story of the declaration of war on the 23th of March, published in our last, is without foundation.

ALEXANDRIA, May 5.

Yesterday exhibited a pleasing spectacle to the enterprising citizens of Alexandria, the wind which had blew for several days from the north-west, shifted to the southward and eastward and wafted into our port upwards of twenty sail of vessels, most of them from Europe and the West-Indies.

BALTIMORE, May 9.

A letter from Belfast, dated March 22, says, "We have the pleasure to inform you, that flaxseed has improved very much, and likely to continue so. —We, a day or two ago, sold 50 bbls. at 6l. and this day refused the same price for 100—Cotton-wool is selling far below first cost. The best bowed Georgia brings no more than 15d. at Liverpool."

A small squadron of ships of war from Portsmouth, have arrived at Cork, where there was a hot press for seamen. Some hundreds have been pressed in Dublin, a number of them from vessels outward bound—they were put on-board the receiving ships at Ringstead."

[N. York paper.]

Mr. DUPORT, Professor of Dancing.

MR. DUPORT presents his respectful compliments to the ladies and gentlemen of Annapolis, begs leave to inform them that his BALL is fixed for Tuesday evening 17th inst. at the assembly room.

The ball will open at 7 o'clock precisely by a plain English minuet. Tickets, price one dollar, to be had at the printing-office and at Mr. Caton's.

May 11, 1803.

NOTICE,

Agreeably to an order of the orphans court of Charles county, will be SOLD, on Wednesday the first day of June next, at the late dwelling of WILLIAM KIRKPATRICK, near Allen's Fresh, if fair, if not the first fair day,

ALL the personal property belonging to the deceased, consisting of a lease for thirty acres of land, for the term of seventy years, horses, cattle, sheep, hogs, a set of joiner's tools, three mill stones, plantation utensils, and a number of other articles too tedious to mention. Twelve months credit will be given on all sums above twenty dollars, the purchaser giving bond, with approved security.

PHILIP MARSHALL, Administrator.

Charles county, May 1, 1803.

EDUCATION.

THE subscriber begs leave to inform the citizens of Annapolis, and the public generally, that on Monday the 16th inst. he proposes to open an ACADEMY in a large and spacious room of the house he now occupies, opposite the south corner of the episcopal church, for the sole purpose of teaching young ladies orthography, English grammar, writing, arithmetic, geography, &c. also drawing and French, if required; he hopes the utility of this Institution will be more satisfactorily evinced by the improvement of his pupils in literature, as well as morality, than pompous professions, which is the sincere wish of the public's most devoted, and very humble servant,

HUGH MAGUIRE.

N. B. For terms, &c. apply as above.

Annapolis, May 11, 1803.

THE subscriber returns his sincere thanks to his friends and customers for the liberal and generous support he has hitherto experienced, and begs leave to inform them, that he has opened his STORE and PORTER CELLAR, in the house lately occupied by THOMAS ROCKES, Esq. opposite the south corner of the episcopal church, where he hopes, by the goodness of his liquors, &c. and desire to please, to merit a further continuance of their favours, which will be gratefully received by their most obedient and very humble servant,

HUGH MAGUIRE.

Annapolis, May 11, 1803.

In CHANCERY, May 5, 1803.

Mary Peach, Administratrix of Richard Williams,

vs.

Rebecca, Elizabeth, and Richard Williams, and Isaac Jones, and Elizabeth his wife.

THE object of the bill is to obtain a decree for the sale of the interest of the defendants in two tracts of land in Prince-George's county, called BEAVER DAM NECK, and part of PARCEL EN-LARGED, for the payment of the debts of Richard Williams, deceased, which from him descended to the defendants his heirs; the bill states that the defendants have removed out of the state of Maryland; it is thereupon adjudged and ordered, that the complainant, by causing a copy of this order to be inserted three times in the Maryland Gazette before the tenth day of June next give notice to the defendants to appear here in person, or by a solicitor, on or before the second Tuesday of October next, to shew cause, if any they have, wherefore a decree should not pass as prayed.

True copy, J. J. Johnson

Test. SAMUEL HARVEY HOWARD,

Reg. Cur. Can.

In CHANCERY, May 6, 1803.

Robert Sewall,

against

Charles Sewall, Nicholas Sewall, Eleanor Pye, Thomas Rogison, and his wife Alice, Lewis

Taney, Charles Henry Taney, Celia

and Eliza Alice Taney.

THE object of the bill filed in this cause is to obtain a conveyance for a tract of land, called MATTAPONEY SEWALL, and other lands thereto adjoining, which Henry Sewall, ancestor of the defendants, now deceased, contracted for with the complainant, by his contract in writing, dated on the 17th day of October, 1801; the bill states that Lewis Taney, one of the defendants, resides out of the state of Maryland; it is thereupon, on the motion of the complainant, ordered and adjudged, that he cause a copy of this order to be inserted in the Maryland Gazette once in each of three successive weeks before the 3d day of June next, to the intent that the absent defendant may have notice of the present application, and of the substance and object of the bill filed in this cause, and may be warned to appear in this court in person, or by a solicitor, on or before the 1st Tuesday of October next, to shew cause, if any he hath, why a decree should not pass as prayed.

True copy, A. Shaff

Test. SAMUEL HARVEY HOWARD,

Reg. Cur. Can.

NOTICE,

To the public of Maryland.

THERE will be a petition preferred to the next general assembly of this state for a law to pass for a road to be laid off from a landing on the north side of Severn river, commonly called and known by the name of JUMPER'S HOLE, along through the neighbourhood by the widow Mary Johnson's, and from there the most convenient rout to a landing known by the name of ASHFAP'S LANDING, on the east side of a fork of Curtis's creek, called MARLEY CREEK, and for to make the aforesaid landings public.

1st 16/16

In CHANCERY, May 10, 1803.

THOMAS L. SOTHORON, an insolvent debtor, of Charles county, entitled to the benefit of the last act of the general assembly for the relief of sundry insolvent debtors, being this day, by the sheriff of said county, brought before the chancellor, in consequence of an order this day passed, and having, before the chancellor, taken the oath by the said act prescribed for delivering up his property, &c. it is thereupon ordered, that the said Thomas L. Sothoron appear before the chancellor, in the chancery office at 10 o'clock, on the third day of September next, for the purpose of answering such interrogatories as his creditors, or any of them, shall then and there propose to him, and that the said Thomas L. Sothoron shall give notice of the said time and place for his answering aforesaid, and for their appearing, to propose interrogatories, and for recommending a trustee for their benefit, by causing a copy of this order to be inserted at least three weeks successively, before the third day of June next, in the Maryland Gazette.

1st 16/16

True copy, 1st 16/16

Test. SAMUEL HARVEY HOWARD,

Reg. Cur. Can.

For more new Advertisements see the last page.

NOTICE.

THAT the subscriber, of Charles county, in the State of Maryland, hath obtained from the orphans court of said county, letters of administration on the estate of RICHARD ROBY, late of Charles county, deceased. All persons having claims against said estate are hereby requested to bring them in, legally authenticated, to the subscriber, on or before the fourth day of July next, or they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 4th day of January, 1803.

107/6 ANN ROBY, Executrix.

NOTICE.

ALL persons having claims against the estate of THOMAS POWER, late of Saint-Mary's county, deceased, are hereby requested to apply on or before the 1st day of August next, and receive their second and last dividend. Given under my hand, this 7th day of May, 1803.

107/6 JOSIAH B. GRINDALL, Administrator.

Will be SOLD, at private SALE,

THE whole or any part of that valuable plantation, on the north side of Severn river, now occupied by Mr. John McCubbin; nothing need be said as to the soil and other advantages, &c. of this place, as it is well known to be one of the richest and best farms in this state. As I shall be in or near Annapolis for two or three weeks, any application by letter, or otherwise, will be attended to.

JOHN HESSELIUS.

April 29, 1803.

To the Voters of Anne-Arundel county and the City of Annapolis.

COMING forward as a candidate for the office of sheriff of Anne-Arundel county, with respectful deference I offer myself to fill the important station, and solicit their suffrages, at the ensuing election, in my favour; should my wishes in this instance be realized, I sincerely promise a strict attention to impartiality, legality, and assiduity, and the public shall find in my attention to the discharge of the duties of the office a grateful return for the confidence they may repose in me.

And remain their obedient servant,

2 ISAAC DORSEY.

THIS is to give notice, that the subscriber hath taken out letters of administration on the estate of JOHN DENT, late of Anne-Arundel county, deceased, therefore all persons who have claims against the said deceased are requested to bring in the same, proved according to law, and all those who are in any manner indebted to the estate are requested to make payment, to

ELEANOR DENT, Administratrix.

April 27, 1803.

A LIST of LETTERS remaining in the Post-Office, Annapolis, March 31, 1803.

LUCY ADDISON, Belle-Vue; Anthony Addison, Annapolis.

Arthur Bryan, George Bevans, Dennis H. Battie, Nathaniel Burwell, Annapolis.

John Callahan (2), William Caton (2), Annapolis; Maria Chainey, Lord's Manor; John Lane Chew, Anne-Arundel county.

Francis Digges, Annapolis.

Joseph Evans, Annapolis.

John E. Ford, care of Thos. Buchanan, Annapolis; Richard Franklin, near Herring Creek church.

John Gwinn, Annapolis.

Samuel Harvey Howard, Mr. Howard, sheriff (2), Annapolis; Dr. John Harrison, West river.

Thomas Linthicum, near Annapolis; Alexander Leitch, West river.

Nich. Z. McCubbin, Daniel Mandell, Gabriel Murdoch, care of J. West, Annapolis.

Thomas Norman, West river.

P. H. O'Reilly, Rd. Owing, Annapolis.

Thomas Pownall, Saml. Peaco, Annapolis; William Pool, Anne-Arundel county.

James Ray, Annapolis; Richard Richardson, West river.

Sheriff of Anne-Arundel county (2), Philip Stuart, Benedict Stuart, Caleb Sapington, Fanny Shorter, Annapolis; Larkin Shipley, Augustine Sewell, Anne-Arundel county.

Jane Troy, Annapolis; Dr. James Tongue (3), near Annapolis.

Jos. Watkins, care of Wm. Alexander, George Wells, John Wims, Solomon Wallace, care of Smith Price, Annapolis; Azel Warfield, Anne-Arundel county.

S. GREEN, D. P. M.

None of the above letters will be delivered without the money.

3X

Anne-Arundel county, 11th April, 1803.

I DO certify, that CHARLES POULTON has this day brought before me, a small sorrel GELDING, about 13 hands high, twelve or thirteen years old, as a trespassing stray; said horse has no perceivable brand, has a small blaze in his face, and some white spots on his back, appears to have been used as a work horse.

3X

H. H. DORSEY.

The owner is requested to prove property, pay charges, and take him away from the subscriber, living in Anne-Arundel county, on the main road between Annapolis and Baltimore-town.

CHARLES POULTON.

In CHANCERY, April 20, 1803.

James Wells,

vs.
Thomas Rogan, and Grace his wife, William Wells, and Cassandra his wife, Robert Bodkin, and Sarah his wife, Samuel McKiss, and Esther his wife.

THE object of the bill is to obtain a decree for the recording a deed of mortgage from John and Sarah Cooke, of Harford county, to the complainant, for one hundred acres of land, part of two tracts of land, the one called MAIDEN'S MOUNT, the other PARADISE; the bill states, that John Cooke, one of the bargainors, has departed this life, and the other defendants are his heirs at law; it is thereupon, on motion of the complainant, ordered, that he cause a copy of this order to be inserted three weeks successively, before the 20th day of May next, in the Maryland Gazette, to the intent, that the defendants, and all persons claiming under the said John Cooke, or conceiving themselves interested, may have notice of the complainant's application to this court, and of the substance and object of his bill, and may be warned to appear here in person, or by a solicitor, on or before the first Tuesday in October next, to shew cause wherefore a decree should not pass as prayed.

True copy,

Test. SAMUEL HARVEY HOWARD,
Reg. Cur. Can.

NOTICE, That the Commissioners of the Tax for Anne-Arundel county, will meet at the city of Annapolis, on the third Monday in May next, and will sit from day to day for twenty days, to hear appeals, and make transfers of property, and that all persons interested in the late sales of real property where no personal property could be found to pay the taxes due thereon, are then and there requested to attend.

April 21, 1803.

NOTICE,

To the Public of Maryland.

THERE will be a petition preferred to the next general assembly of this state, for a law to pass for a road to be laid off from a large white oak tree, on the fourth side of the main road leading from the city of Annapolis round the head of the Severn river to the city of Baltimore, standing at the lower end of Richard Dorsey's, (of Caleb) lane or plantation, next adjoining to a plantation belonging to Charles Carroll, of Carrollton, Esq; along up through the neighbourhood on the north side of South river, in Anne-Arundel county, by Jacob Waters's mill and the South river meeting house, and the neighbourhood of the Mr. Hopkins's to a fording place on the main branch of Patuxent river known by the name of Ashton's Ford, and from there the most convenient route through Prince-George's county, by or through Mr. Benjamin Ogle's plantation, known by the name of Belle-Air, to a small town in the said county called Bladensburg, at or near the head of a creek of the river Patowmack, called and known by the name of The Eastern Branch.

April 14, 1803.

I HEREBY give notice, that I intend to apply to Anne-Arundel county court, at April term next, for a commission to mark and bound a tract of land, lying in said county, called JOHN and MARY'S CHANCE, being a resurvey on two tracts or parts of tracts of land, the one called DAN, and the other called JERICHO, in pursuance of the act of assembly, entitled, An act for marking and bounding lands.

JOHNSON M. O'REILLY.

Herring Bay, Anne-Arundel county,
January 1, 1803.

THIS is to give notice, that the subscribers, of Anne-Arundel county, in the State of Maryland, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters testamentary on the personal estate of ELIZABETH EVANS, late of Anne-Arundel county deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscribers, at or before the fifth day of October next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this 5th day of April, 1803.

HENRY EVANS, } Executors.
JOSEPH EVANS, }

To be RENTED,

THAT commodious dwelling-house, lately occupied by WALTER DULANY, Esq; in this city, which belongs an excellent garden, out houses, &c. For terms apply to Mr. ADDISON, now in possession of the premises, or to

SAMUEL RIDOUT.

Annapolis, May 17, 1803.

JUST PUBLISHED,

And to be sold at the Printing-Office,
Price, One Dollar,

The LAWS

OF

MARYLAND,

Passed November Session, 1802.

In COUNCIL, ANNAPOLIS, April 19, 1803.

ORDERED, That the act to alter, change and abolish, such parts of the constitution and form of government as relates to the establishing a general court and court of appeals, be published once in each week, for the space of three months successively, in the Maryland Gazette, at Annapolis; the Baltimore American, the Telegrapher, the Federal Gazette, at Baltimore; the National Intelligencer; Mr. Smith's paper, at Easton; the Republican Advocate, at Frederick-town, and Mr. Grievess's paper, at Hagar's town.

By order,

NINIAN PINKNEY, Clerk.

An ACT to alter, change and abolish, such parts of the constitution and form of government as relate to the establishing a general court and court of appeals.

BE it enacted, by the General Assembly of Maryland, That from and after the first day of March, eighteen hundred and four, there shall be a court of appeals, composed of three persons of integrity, and sound judgment in the law, who shall be styled in their commissions Judge of the Court of Appeals, whose judgment shall be final and conclusive in all cases of appeal from the court of chancery, county court or orphans court; and that the court of appeals shall hold two sessions on the western shore and two on the eastern shore in each year, at such times and places as the future legislature of this state shall direct and appoint.

And be it enacted, That from and after the said first day of March, eighteen hundred and four, this state shall be divided into five judicial districts, viz. Saint-Mary's, Calvert, Prince-George's and Charles counties, shall be the first district; Cecil, Kent, Queen-Anne's and Talbot counties, shall be the second district; Anne-Arundel, Baltimore and Harford counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; and Washington, Frederick, Montgomery and Allegany counties, shall be the fifth district; and that there shall be appointed for each of the said districts two persons of integrity, and sound judgment in the law, who shall reside in the district for which they shall be appointed, who shall be styled in their commissions District Judges of the county courts in such district; and there shall be appointed for each of the counties of this state one person of integrity, experience and knowledge, resident of the county for which he shall be appointed, who shall be styled in the commission Associate Judge of the county court of the county for which he shall be appointed; and the said district judges in their respective districts, together with the said associate judge in the respective counties, shall compose the county court; and the county courts so established shall have, hold and exercise, all the powers, authorities and jurisdictions, that the general court and county courts of this state has heretofore held, used and exercised, except the appellate jurisdiction of the general court; and that the county courts shall hold their sessions in the respective counties at such times and places as the future legislature of this state shall direct and appoint.

And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendment of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing in the said constitution and form of government contained to the contrary notwithstanding.

And be it enacted, That all and every part of the constitution and form of government that relates to the court of appeals, or the general court, as now established, or to the judges thereof, or that is in any manner contrary to, or inconsistent with, the provisions of this act, be and are hereby declared to be repealed and abolished, on the confirmation hereof.

Michael & Barney Curran,

Have received, by the arrivals at Philadelphia,

A handsome assortment of
SPRING GOODS,

Consisting of

CHINTZES and calicoes,
Dimities and muslins,
Marilles quilting and printed jeans,
Cambrick dimities,
Ditto muslin 3-4 and 9-8 wide,
Coloured cambricks and ginghams,
Ladies and gentlemen's silk and cotton hose,
Extra long silk and kid gloves,
Gentlemen's belt beaver ditto,
Striped and coloured nankeens,
Figured fattsins for gentlemen's vests,
India book and jacksonet muslins,
British ditto, ditto, ditto,
India crape handkerchiefs, and jacksonet ditto,
Irish linens and checks,
And on hand some best London superfine clothes and cassimers,
Cotton counterpanes and table clothes, &c. &c.
Annapolis, April 19, 1803.

ANNAPOLIS;

Printed by FREDERICK and SAMUEL GREEN.